

REMARKS

I. Summary of the Office Action

Claims 1-33 are pending in this application.

Claims 1, 2, 4-11, 14-17, 19-26, and 28-33 are rejected under 35 U.S.C. § 102(e) as being anticipated by Paravia et al. U.S. Patent 6,508,710 (hereinafter "Paravia").

Claims 12, 16, 18, and 27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Alcorn et al. U.S. Patent No. 6,104,815 (hereinafter "Alcorn").

Claims 12, 13, 16, 18, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Paravia and Alcorn.

II. Summary of Applicants' Reply

Applicants have amended claims 1, 2, 6, 8, 12-14, 16, 17, 21, 23, 27, and 29. New claims 34-79 have been added. No new matter has been added by the amendments or the new claims.

The Examiner's rejections are respectfully traversed.

III. Applicants' Reply to the Rejections of Claims 1 & 16

A. Applicants' Invention

Applicants' independent claims 1 and 16 are directed to a system and method in which an interactive wagering application is used to restrict wagering access. The interactive wagering application determines a geographic location of user equipment (e.g., by using automatic number information, global positioning information, or internet service provider information) and checks whether wagering is allowed in the geographic location of the user equipment. To more particularly define the invention, claims 1 and 16 have been amended to include the feature of providing the user equipment with a location verification token when the user equipment is located in a geographic area where wagering is allowed. This feature was incorporated into claims 1 and 16 from dependent claims 6 and 21, which have been amended.

Claims 1 and 16 have been further amended to specify that the interactive wagering application determines whether the location verification token is valid (e.g., ensuring that the location verification token has not expired). Support for this

added feature is found on page 49, lines 14-18 of applicants' specification.

Claims 1 and 16 have been further amended to specify that wagering access is restricted when the user equipment does not have a valid location verification token. This can be seen, for example, in applicants' FIG. 16 where wagering access is provided at step 1620 if the user equipment has a valid location verification token, or where wagering access is restricted at step 1630 if the user equipment does not have the valid location verification token.

B. The Paravia Rejection

Independent claims 1 and 16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Paravia. The Examiner's rejection is respectfully traversed.

Paravia refers generally to a computerized gaming system that enables participants to remotely access the gaming system to place wagers on gaming events. Paravia discloses several different methods for determining the location of a player and restricting wagering access if the player is located in an unauthorized location.

Column 18, line 24 through column 20, line 2 and FIGS. 11 and 12 refer to one method Paravia uses to determine user location and to restrict wagering access. In this method, the gaming system establishes a communications link between a location verification module and the player's equipment. When this link is established, the gaming system analyzes the player's location (step 1124) using, for example, Automatic Number Identification (ANI) data. ANI data allows the gaming system to identify the location of the calling party (i.e., the player's modem may establish a dial-up link with the gaming system during which ANI data is obtained). After the player's location is analyzed, the gaming system verifies whether the player is at an authorized location that allows wagering (see step 1126 of FIG. 12). If the player's location is invalid, the communications link is terminated (step 1128) and the player is precluded from wagering. On the other hand, if the location is valid, the player's wager is registered with the gaming system and is made official (see step 1130).

Paravia discloses that there is a transfer of data between the player's equipment and the location verification module, but there is no showing or suggestion that any of this

data functions as applicants' location verification token. The location verification module obtains location data (e.g., ANI data) so it can determine whether the player is in a location where wagering allowed. However, the steps of obtaining location data and analyzing that data does not show or suggest applicants' feature of providing a location verification token to the user equipment when the user equipment is located in a location where wagering is allowed, as defined in claims 1 and 16.

Moreover, even if the method disclosed in connection with FIGS. 11 and 12 of Paravias can be construed to transfer data when the user equipment is located in a location where wagering is allowed, there is no showing or suggestion of using an interactive wagering application to verify whether that data is valid. Nor does Paravia show or suggest that wagering access is restricted when the user equipment does not have valid data (e.g., a valid location verification token).

Accordingly, for at least the foregoing reasons, claims 1 and 16 are allowable over the location verification process of Paravia.

Column 20, line 9 through column 22, line 19 and FIGS. 14 and 15 refer to another method Paravia uses to determine user location and to restrict wagering. In this method, the gaming system initiates a call-back wagering process to verify the player's location and to officially register the player's gaming selections (e.g., wagers). FIG. 14 shows the steps preceding the call-back process, such as connecting to a gaming server (step 1160), inputting gaming selections (step 1166), and confirming gaming selections (step 1168). After the selections are confirmed, the call-back wagering process is initiated (step 1170).

FIG. 15 shows a detailed flowchart of the call-back wagering process. During the call-back wagering process, the gaming server establishes a link with the user's terminal (step 1182 of FIG. 15) and determines if the player is in authorized location (step 1184). Paravia states that ANI data can be used to determine player location at column 21, lines 33-35. If the player's location is valid, the call-back process performs other steps and officially registers the player's wager (see step 1196). However, if the player's location is not

valid, the call-back process is terminated and the player is precluded from wagering (see step 1186).

The Examiner contends that the call-back process of Paravia is equivalent to applicants' feature of providing a location verification token. This contention stems from the Examiner's rejection of claims 6 and 21, which have been incorporated into claims 1 and 16. Applicants respectfully submit that the call-back process is not equivalent to providing a location verification token to the user equipment. The call-back process does nothing more than establish a connection between the player's terminal and the gaming server, verify whether the player is in an authorized location, and officially register the player's wager if the location is valid. Thus, there is no showing or suggestion that the call-back process of Paravia provides a location verification token to the user equipment when the user equipment is in a location where wagering is allowed, as defined in claims 1 and 16.

Moreover, even if the call-back process of Paravia can be construed to transmit data when the user equipment is in a location where wagering is allowed, there is no showing or suggestion of using an interactive wagering application to

verify whether that data is valid. In addition, the call-back process of Paravia fails to show or suggest restricting wagering access when the user equipment does not have valid data (e.g., a valid location verification token).

Accordingly, for at least the foregoing reasons, claims 1 and 16 are allowable over the call-back process of Paravia.

The Examiner contends that recognizing an address such as an Internet Protocol (IP) address is equivalent to providing a location verification token. This contention stems from the Examiner's rejection of dependent claims 6 and 21 (Office Action, Pages 3 and 4). According to Paravia, recognizing an IP address is a step used by the gaming system to identify a particular player, not to determine the location of the player (Paravia, column 7, lines 38-46). While there may be an exchange of data to determine the identity of the player, this data is not provided to the user equipment when the user equipment is in a location where wagering is allowed, as defined in claims 1 and 16.

Moreover, none of the data associated with recognizing an IP address shows or suggest using an interactive wagering

application to verify whether that data is valid. Nor does Paravia show or suggest that wagering access is restricted when the user equipment does not have valid data (e.g., a valid location verification token).

Accordingly, for at least the foregoing reasons, claims 1 and 16 are allowable over the IP address recognition process of Paravia.

Therefore, for at least the foregoing reasons, applicants respectfully submit that independent claims 1 and 16 are allowable over Paravia and that the rejection be withdrawn.

C. The Alcorn Rejection

Independent claim 16 was rejected under 35 U.S.C. § 102(e) as being anticipated by Alcorn. The Examiner's rejection is respectfully traversed.

Alcorn generally refers to an interactive gaming system that can determine the location of remote terminals using a global positioning satellite system, the operation of which is generally described in connection with FIGS. 3 and 4. FIG. 3 shows operations that take place at the remote terminal, where the user presides. The remote terminal connects to a gaming server, obtains latitude and longitude data, obtains time data,

obtains user data, encrypts the data, and sends the encrypted data to a server (column 6, line 64 to column 7, line 7).

FIG. 4 shows operations that take place at the server. The server decrypts the received data to determine whether the data identifies a valid user (column 7, lines 8-12). A user is determined valid if the latitude and longitude data, time data, and user data satisfy certain criteria (column 7, lines 12-23). If any of these criteria are invalid, the server returns a "not authorized to play" signal, which indicates that the user is not permitted to wager. Conversely, if all requirements are met, the server returns an "authorized to play" signal and the user is permitted to place wagers (column 7, lines 24-25).

Alcorn discloses that data such as GPS location data and authorized to play signals are transferred between the remote terminal and the server. Despite the presence of this data, Alcorn fails to show or suggest the verification of data that functions as applicants' location verification token. Particularly, Alcorn fails to show or suggest using an interactive wagering application to verify if a location verification token is valid, where the token is provided to the

user equipment when it is determined that the user equipment is in a location where wagering is allowed.

Furthermore, Alcorn restricts wagering when one of the above mentioned criteria (e.g., location data, time data, or user data) are found invalid. In contrast to Alcorn, applicants invention restricts wagering access when the user equipment does not have a valid location verification token as specified by claims 1 and 16.

Accordingly, for at least these reasons, applicants respectfully submit that independent claim 16 is allowable over Alcorn and the rejection over Alcorn should be withdrawn.

D. The Rejection under Paravia and Alcorn

Independent claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Paravia in view of Alcorn. The Examiner's rejection is respectfully traversed.

Applicants believe that the Examiner may have accidentally rejected claim 16 under 35 U.S.C. § 103(a) because the Examiner did not set forth any reasoning in support of this rejection. According to the requirements of MPEP § 706.02(j), an Examiner must "set forth a) the relevant teachings of the prior art relied upon, b) the difference or differences in the

claim over the applied references, c) the proposed modification of the applied references necessary to arrive at the claimed subject matter, and d) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification" in order to substantiate a rejection under § 103(a). Thus, with respect to claim 16, the Examiner did not communicate factors (a) through (d), as described above.

Accordingly, because the basis of rejection has not been properly communicated, applicants submit that there is no basis for rejection and that the rejection be withdrawn.

Applicants also submit the combination of Paravia and Alcorn would not result in applicants' invention because as described above neither Paravia nor Alcorn show or suggest the combination of the following features of (a) providing a location verification token to user equipment when the user equipment is in a location where wagering is allowed, (b) using the interactive wagering application to verify if the location verification token is valid, and (c) restricting wagering access when the user equipment does not have a valid location verification token as defined by claims 1 and 16.

IV. Applicants' Reply to the Rejections of Claims 12 & 27

A. Applicants' invention

Applicants' independent claims 12 and 27 are directed to a system and method that enables user equipment to verify whether it is located in a geographic location where wagering is allowed by using an interactive wagering application. The interactive wagering application uses an integrated receiver decoder to receive blackout information. Claims 12 and 27 have been amended to specify that blackout information indicates geographic areas that prohibit wagering. Support for this amendment can be found, for example, on page 11, lines 28-35.

Claims 12 and 27 also specify that the interactive wagering application receives location information that indicates the geographic location of the user equipment.

Claims 12 and 27 have been further amended to specify that the blackout information and the location information are compared at the user equipment to determine whether the user equipment is located in a geographic location where wagering is allowed. Support for this amendment can be found, for example, on page 42, lines 8-31.

B. The Alcorn Rejection

Independent claims 12 and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Alcorn. The Examiner's rejection is respectfully traversed.

As discussed above, Alcorn generally refers to an interactive gaming system that can determine the location of remote terminals using a global positioning satellite system. However, nowhere in Alcorn does it show or suggest applicants' claimed feature of using an integrated receiver decoder to receive blackout information, wherein blackout information indicates geographic locations that prohibit wagering.

The Examiner points to column 8, lines 26-41 of Alcorn to contend that Alcorn receives blackout information. This section of Alcorn discloses various components of a remote terminal such as a game player module, a CD-ROM drive, and a GPS module. However, there is no showing or suggestion in Alcorn that this remote terminal receives blackout information, as defined by applicants' invention.

In addition, Alcorn shows that the remote terminal receives latitude and longitude data, time data, and user input data, but there is no indication that the user equipment

receives blackout information that indicates geographic locations that prohibit wagering as specified in claims 12 and 27. FIG. 4 of Alcorn states that it uses latitude and longitude data of the remote terminal to verify whether it is in a valid location (column 7, lines 14-17 of Alcorn). However, Alcorn does not show or suggest comparing blackout information and location information at the user equipment to determine whether the user equipment is located in a geographic area that allows wagering, as specified by claims 12 and 27.

Moreover, even assuming *arguendo* that Alcorn does compare location information with information that is being construed as blackout information, there is no showing or suggestion that the comparison would be performed at the user equipment. In fact, Alcorn shows that location validation steps occur at the server (see FIG. 4 of Alcorn), not at the user equipment as specified by claims 12 and 27.

Accordingly, for at least the forgoing reasons, applicants respectfully submit that claims 12 and 27 are allowable over Alcorn and that the rejection be withdrawn.

C. The Rejection under Paravia and Alcorn

Independent claims 12 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paravia in view of Alcorn. The Examiner's rejection is respectfully traversed.

The Examiner concedes that Paravia does not disclose applicants' feature of using an integrated receiver decoder to receive blackout information. The Examiner, however, contends that Alcorn discloses this feature. However, as discussed in section IV, part B of this Reply, applicants' amended feature of using an integrated receiver decoder to receive blackout information, wherein blackout information indicates geographic locations that prohibit wagering is not shown or suggested by Alcorn.

The systems of Paravia and Alcorn are able to determine the location of a user and verify whether the user is in an authorized location to place wagers. However, neither Paravia nor Alcorn, whether taken alone, or in combination, show or suggest comparing blackout information and location information at the user equipment to determine if the user equipment is located in a geographic region where wagering is allowed.

Accordingly, for at least the foregoing reasons, claims 12 and 27 are patentable over Paravia and Alcorn and the rejection should be withdrawn.

V. Applicants' Reply to the Rejection of Claims 14 and 29

A. Applicants' Invention

Claims 14 and 29 are directed to a system and method for verifying that user equipment is located in a geographic location where wagering is allowed. As specified in claims 14 and 29, the geographic location of the user equipment is determined, and if the user equipment is located where wagering is allowed, a location verification token is provided to the user equipment by an interactive wagering system.

Claims 14 and 29 have been amended to specify that the location verification token is stored on the user equipment. Support for this feature is found on page 47, lines 15-18 of applicants' specification.

Claims 14 and 29 have been further amended to specify that wagering access is restricted when the location verification token is not stored on the user equipment.

B. The Paravia Rejection

Claims 14 and 29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Paravia. Applicants respectfully traverse the rejection.

Paravia refers generally to a computerized gaming system that enables participants to remotely access the gaming system to place wagers on gaming events. Paravia discloses several different methods, as discussed above, for determining the location of a player and restricting wagering access if the player is located in an unauthorized location.

The Examiner contends that recognizing an address (e.g., IP address) is equivalent to providing a location verification token (Office Action, page 6, lines 2-3). As discussed above in part III, section B, Paravia recognizes addresses (e.g., an IP address) to identify a player, not to determine the location of the player. Thus, recognizing the identity of a player does not show or suggest providing a location verification token to user equipment when the user equipment is located in a location where wagering is allowed, as define in claims 14 and 29. Moreover, even if the process of recognizing an address can be construed to transfer data to user

equipment when the user equipment is located in a location where wagering is allowed, there is no showing or suggestion that data affiliated with recognizing an address is stored on the user equipment. Nor is there any showing or suggestion that wagering is restricted when the data (e.g., location verification token) is not stored on the user equipment, as defined by claims 14 and 29.

The Examiner also contends that Paravia's call-back feature is equivalent to providing a location verification token (Office Action, page 6, lines 3-5). As discussed above in section III, part B, performing a call-back function is another method for verifying the user equipment's location. Merely determining the location of user equipment is not the same as providing a token to the user equipment when the user equipment is in a location where wagering is allowed. Thus, there is no showing or suggestion that the call-back process of Paravia provides a location verification token to the user equipment when the user equipment is in a location where wagering is allowed, as defined in claims 1 and 16.

Moreover, even if the call-back process of Paravia can be construed to transmit data when the user equipment is in a

location where wagering is allowed, there is no showing or suggestion that such data (e.g., a location verification token) is stored on the user equipment. In addition, the call-back process of Paravia fails to show or suggest restricting wagering access when the location verification token is not stored on the user equipment, as defined in claims 1 and 16.

As discussed above in section III, part B, Paravia discloses techniques for restricting wagering access to users that are not located in geographic regions that prohibit wagering. However, Paravia does not specifically show or suggest that wagering is restricted when a location verification token is not stored on the user equipment as defined by applicants' claims 14 and 29. Rather, Paravia restricts wagering solely based on the verified location of the player, not whether the user equipment has data that functions as applicants' location verification token and is stored on the user equipment.

Accordingly, for at least the foregoing reasons, applicants respectfully submit that claims 14 and 29 are allowable over Paravia and that the rejection should be withdrawn.

Applicants also submit that the combination of Paravia and Alcorn would not result in applicants' invention because as described above neither Paravia nor Alcorn show or suggest the combination of the following features of (a) providing the user equipment with a location verification token when the user equipment is located at a location where wagering is allowed, wherein the token is provided by an interactive wagering system, and wherein the token is stored on the user equipment, and (b) restricting wagering access when the user equipment does not have the location verification token.

VI. Applicants' Reply to the Rejection
of the Remaining Claims

Claims 2, 4-11, 15, 17, 19-26, 28, and 30-33 were rejected under 35 U.S.C. § 102(e) as being anticipated by Paravia. Claim 18 was rejected under 35 U.S.C. § 102(e) as being anticipated by Alcorn. Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Paravia in view of Alcorn.

Each of these rejections is respectfully traversed.

Because applicants have demonstrated in the foregoing that independent claims 1, 12, 16, and 27 are allowable,

dependent claims 2, 4-11, 13, 15, 17, 18-26, 28, and 30-33 are also allowable.

VII. New Claims

New claims 34-79 have been added. No new matter has been added by any of these claims. New dependent claims 34-39 are allowable because they depend from one of independent claims 1, 12, 16, and 27, all of which as demonstrated above are allowable. New claims 40-53 and 58-71 are similar to claim 1-11, 16-26, and 31-35 and should be allowable for similar reasons as to why claims 1-11, 16-26, and 31-35 are allowable. New claims 54-57 and 72-75 are similar to claims 12, 13, 27, 28, and 36-39 and should be allowable for similar reasons as to why claims 12, 13, 27, 28, and 36-39 are allowable. New claims 76-79 are similar to claims 14, 15, 29 and 30 and should be allowable for similar reasons claims 14, 15, 29, and 30 are allowable.

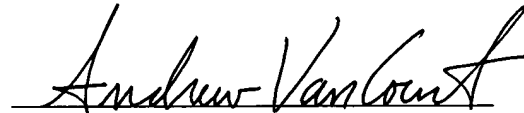
Therefore, applicants respectfully submit that new claims 34-79 are allowable.

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VIII. Conclusion

The foregoing demonstrates that claims 1-79 are allowable. Applicants respectfully submit that this patent application is in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Andrew Van Court", written over a horizontal line.

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